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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,657	12/20/2001	Donna M. Stemmer	014208.1395 (70-00-006)	5061
5073	7590	12/17/2004	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			ROBINSON BOYCE, AKIBA K	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/029,657

Applicant(s)

STEMMER ET AL.

Examiner

Akiba K Robinson-Boyce

Art Unit

3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

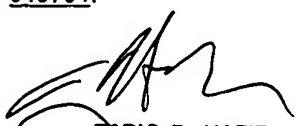
Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-59.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 040704.
10. ☐ Other: \_\_\_\_\_

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
COMMUNICATIONS CENTER 2600

Continuation of 5. does NOT place the application in condition for allowance because: first, as per claim 1, the applicant argues that there is no disclosure in Vig that the probed entity is "intellectual capital", since the thing being measured in claim 1 of the present invention is the intellectual capital of an enterprise. The applicant also argues that Vig also fails to disclose human capital. First, it is the combination of Vig and Sanders that disclose the measurement of intellectual capital. Furthermore, Vig discloses that the probed entity, which is measured, can be represented by any known or imaginable entity as shown in Vig, Col. 84, lines 12, and intellectual capital does fall into the any known or imaginable entity group. Therefore, the probed entity of Vig represents the "intellectual capital" of the present invention. With respect to Vig disclosing human capital, it is disclosed that a societal dollar value of the probed target unit is derived for human factors such as a human being's opinion as shown in claim 18 of Vig. In claim 18 of Vig, Vig discloses that "current societal dollar value or tanking of said probed target unit...being able accurately to reflect and express the entire range of a human being's opinions, inclinations...". In addition, in Col. 73, lines 49-54, by Vig disclosing metrics that are represented by the characteristics, quality, trait, etc., and are relevant to the probed entity group, and where the probed entity group is unlimited as to such entity group's nature or constitution, these metrics are therefore not limited to only human capital, but also structural capital and external capital as well. In addition, the applicant argues that Sanders fails to disclose that each intellectual capital comprising "structural capital comprising experience and expertise of the enterprise embedded in one or more processes, policies, and systems associated with the enterprise", or "external capital comprising a value of one or more business relationships of the enterprise with one or more entities" as recited in claim 1, and as amended. However, Sanders discloses organizational structure in Col. 20, lines 35-37, where information about human resources includes information about an individual's position in the organization al structure. Sanders also discloses external capital comprising a value of one or more business relationships of the enterprise with one or more entities in Col. 20, line 66-Col. 21, line 2. Here, Sanders discloses externalities related to the specific product or service market of the enterprise. The applicant argues that the proposed combination of Vig and Sanders is improper. However, the combination of these two references is valid since both references disclose systems for determining the value of an entity, such as an enterprise (as disclosed in Sanders), by receiving feedback from users through surveys. Claims 5-10, 20, 22-30, 35-40, 49, and 51-59 are dependent on claims 1 and 31 and are rejected for the same reasons as given for claims 1 and 3..